



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 20, 2015

REQUESTED TO BE FILED UNDER SEAL

BY EMAIL

The Honorable Alison J. Nathan
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

**Re: United States v. Steven Rawlins,
15 Cr. 377 (AJN)**

Dear Judge Nathan:

The Government writes to inform the Court and defense counsel that on November 17, 2015, Assistant United Attorney Andrew DeFilippis received the enclosed communication from a former juror in the trial that recently concluded in the above-referenced matter. A response sent by Mr. DeFilippis on November 19, 2015, and a reply sent by the former juror on November 20, 2015, are also enclosed.

The Government does not believe any further action or inquiry is required but wanted to advise the Court and defense counsel of this exchange in an abundance of caution. Specifically, the Government respectfully submits that the juror's communication does not in any way evince "reasonable grounds . . . to believe that the jury may have been exposed to [improper] influence." *United States v. Moten*, 582 F.2d 654, 664–67 (2d Cir. 1978). Nor is there any evidence, much less "clear, strong, substantial and incontrovertible evidence," that a "specific, non-speculative impropriety has occurred." *United States v. Moon*, 718 F.2d 1210, 1234 (2d Cir. 1983) (citation omitted). See also *United States v. Crosby*, 294 F.2d 928, 950 (2d Cir. 1961) (affirming trial court's refusal to allow post-verdict examination of jurors "as to their mental processes"); *Anderson v. Miller*, 346 F.3d 315, 326 (2d Cir. 2003) (noting that that "[Federal Rule of Evidence] 606(b) broadly prohibits accepting into evidence juror testimony regarding the course of a jury's deliberations"); *United States v. Ionia Mgmt. S.A.*, 526 F. Supp. 2d 319, 330-31 (D. Conn. Dec. 12, 2007) (holding that congratulatory note from former juror to prosecutor did not warrant inquiry).

Moreover, the Government notes that even if further inquiry were warranted here—which it is not—the parties would not be permitted to conduct post-trial interviews of jurors unless

carried out “under the strict supervision and control of the court, with inquiry restricted to those matters found by the court as both relevant and proper.” *United States v. Bracco*, 516 F.2d 816, 819 n. 4 (2d Cir. 1975). *See also Moten*, 582 F.2d at 667.

Finally, the Government respectfully requests that this letter and its enclosure be filed under seal in order to protect the privacy of the above-referenced juror.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /S/
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Andrew J. DeFilippis
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Cc: Richard Braun, Esq.
Steven Brill, Esq.

Enclosure

From: [REDACTED] >

Date: Fri, Nov 20, 2015 at 10:13 AM

Subject: Re: Andrew, please add me to your LinkedIn network

To: Andrew DeFilippis [REDACTED]

Mr. DeFilippis

I understand and will respect the rules. I sincerely apologize if my contacting you caused any issues with your case or supervisors. It was a pleasure to (almost) meet you.

[REDACTED]
On Thu, Nov 19, 2015 at 12:11 PM, Andrew DeFilippis [REDACTED] > wrote:

[REDACTED], Thanks for your LinkedIn invitation and message. Sorry, but pursuant to the rules of my office and my supervisors, I am not permitted to communicate with jurors even after trial, so I cannot accept the invitation or discuss anything with you. Best, Andrew DeFilippis

On Tue, Nov 17, 2015 at 6:17 PM, [REDACTED] wrote:



[REDACTED]
I think jury duty may have gone to my head a bit. All day at work I've been muttering "guilty... innocent... guilty... guilty.. guilty.. innocent.." at my co-workers.

[REDACTED]
Now that the trial is over, am I allowed to ask you a few questions about the case?

[REDACTED]
Accept

[REDACTED]
View Profile

You are receiving Invitation emails. [Unsubscribe](#)

This email was intended for Andrew DeFilippis (Assistant U.S. Attorney, Southern District of New York). [Learn why we included this.](#)

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